



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

said: "Such a rule could not be tolerated, and is without foundation in the law. . . . In general, the waiver of any legal right at the request of another party is a sufficient consideration for a promise." It is satisfactory to notice that the attempt to narrow the meaning of the term "detriment" has been so decidedly overruled.

---

THE RIGHT TO PRIVACY. — In the article by Messrs. Warren and Brandeis on the Right to Privacy, published in this REVIEW last December, after a sketch of the many fictions and fewer open extensions by which the courts have met the modern demand for protection to the more ideal and intangible interests of the individual, the authors say:

"If the invasion of privacy constitutes a legal *injuria*, the elements for demanding redress exist, since already the value of mental suffering, caused by an act wrongful in itself, is recognized as a basis for compensation.

"The right of one who has remained a private individual to prevent his public portraiture presents the simplest case for such extension."

In Judge O'Brien's decision given last month, in the case of *Schuyler v. Curtis, Donlevy and others*, this hinted prophecy has its fulfilment. Mrs. George Schuyler, though largely interested in private charities, had never in any way entered public life. On her death, some zealots known as the "Woman's Memorial Fund Association" undertook to commemorate her good deeds by a statue of her, to be designated "The Typical Philanthropist," and placed in Chicago in '93 as a companion piece to a bust of the well-known agitator, Susan B. Anthony, to be called "The Typical Reformer." The action to prevent the intended celebration was brought by Mrs. Schuyler's nephew, in behalf of all her nearest relatives.

Judge O'Brien grants the injunction strictly on the ground that Mrs. Schuyler had never acted in other than a private character, and that such a person has rights which are lost by any one voluntarily entering public life. That no reported decision has hitherto gone so far in protecting the right to privacy Judge O'Brien freely recognizes; but he feels that the tendency to extend the law in the direction of affording the most complete redress for injury to individual rights makes the new step an easy one.

To believers in the practical utility of an increased scientific study of the general theories of law it will be interesting to notice that Judge O'Brien quotes at marked length from the article of Messrs. Warren and Brandeis, which he calls "an able summary of the extension and development of the law of individual rights, which well deserves and will repay the perusal of every lawyer," and which seems to be almost the basis of his decision that the right to which recent cases have been more and more, under various names, giving protection is the right to privacy.<sup>1</sup>

---

REVERSAL OF DECISION IN WATUPPA POND CASES. — It is interesting to note that the decision in the Watuppa Pond cases has been reversed on a rehearing. These cases, which were decided by the Supreme Court of Massachusetts in 1888, reported in 147 Mass. 548, are of great interest. The point decided — by a bare majority of four

---

<sup>1</sup> See 4 Harv. L. R. 193.